

32692  
Customer Number

Patent  
Case No.: 59090US004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: WIGHTMAN, PAUL D.  
Application No.: 10/821319 Confirmation No.: 9707  
Filed: April 9, 2004  
Title: DELIVERY OF IMMUNE RESPONSE MODIFIER COMPOUNDS USING  
METAL-CONTAINING PARTICULATE SUPPORT MATERIALS

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**TERMINAL DISCLAIMER UNDER 37 CFR § 1.321**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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|---|--|
| <b>CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]</b> |  |
| I hereby certify that this correspondence is being:             |  |
| <input type="checkbox"/>  | deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. |
| <input type="checkbox"/>  | transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-8300.   |
| <input checked="" type="checkbox"/>                             | transmitted to United States Patent and Trademark Office on the date shown below via the Office electronic filing system.  |
| April 9, 2009   | /Joyce M. Courtney/  |
| Date  | Signed by: Joyce M. Courtney   |

Dear Sir:

Petitioner, 3M Innovative Properties Company, a corporation of the State of Delaware having a place of business at 3M Center, St. Paul, MN, represents that it is the exclusive owner of the entire interest in the above-identified application (the "Subject Application") by virtue of an assignment recorded at Reel 15207, Frame 908/10, on April 9, 2004. Petitioner further represents that it is the exclusive owner of the entire interest in a pending second Application No. 11/360,071, filed February 23, 2006, (the "Second Application") by virtue of an assignment recorded at Reel 17621, Frame 604/09, on February 23, 2006. As used herein, "Subject Patent" refers to a patent granted on the Subject Application, and "Second Patent" refers to a patent granted on the Second Application.

Petitioner disclaims the terminal part of any Subject Patent which would extend beyond the expiration date of the full statutory term, as defined in 35 USC §§ 154 to 156 and 173 and as shortened by any terminal disclaimer filed prior to the grant of any Second Patent, of any Second Patent. Petitioner hereby agrees that any Subject Patent shall be enforceable only for and during

such period that the legal title to such Subject Patent and any Second Patent are commonly owned. This agreement is to run with any Subject Patent and shall be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any Subject Patent that would extend to the expiration date of the full statutory term as defined in 35 USC §§ 154 to 156 and 173 of any Second Patent, as shortened by any terminal disclaimer filed prior to the grant of such Second Patent, in the event such Second Patent: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321 after grant; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to the grant of such Second Patent.

Documents establishing the chain of title of the Subject Application and of the Second Application (including the aforementioned assignments and recording locations) have been reviewed and I certify that, to the best of my knowledge and belief, title is in Petitioner.

I declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 CFR § 1001 and that such willful false statements may jeopardize the validity of the Subject Application or any patent issuing thereon.

Fees

- ☒ Any required fee under 37 CFR § 1.20(d) will be made at the time of submission via EFS-Web. In the event fees are not or cannot be paid at the time of EFS-Web submission, please charge any fees under 37 CFR § 1.20(d) which may be required to Deposit Account No. 13-3723.
- ☐ Please charge any fees under 37 CFR §§ 1.20(d) which may be required to Deposit Account No. 13-3723.
- ☒ Please charge any additional fees associated with the prosecution of this application to Deposit Account No. 13-3723. This authorization includes the fee for any necessary extension of time under 37 CFR § 1.136(a). To the extent any such extension should become necessary, it is hereby requested.
- ☒ Please credit any overpayment to the same deposit account.

Respectfully submitted,

April 8, 2009

Date

By:           /Ted K. Ringsred/

Ted K. Ringsred, Reg. No.: 35,658

Telephone No.: 651-736-5839

Office of Intellectual Property Counsel  
3M Innovative Properties Company  
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